

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of

Jock D. MACKINLAY et al.

Application No.: 10/687,486

Examiner: A. LONG

Filed: October 17, 2003

Docket No.: 131754

For: SYSTEMS AND METHODS FOR EFFECTIVE ATTENTION SHIFTING

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following remarks are directed to the arguments presented in the Examiner's  
Answer dated August 13, 2008.

Applicants maintain that the applied references, either individually or in combination  
fail to anticipate or render obvious the presently claimed combination of features.

**I. Claim Rejection under 35 U.S.C. § 102(b)**

Applicants respectfully submit that the applied reference Microsoft Excel (User's  
Guide Microsoft Excel, Version 5.0 1993) (hereinafter "Excel") fails to disclose each and  
every feature recited in at least independent claims 1, 12, 37, 39 and 40.

In the Examiner's Answer, the Examiner asserts that Excel discloses a method of  
shifting attention; the Examiner cites Excel, page 666 and states that Excel "teaches using an  
auditing function Tracers to draw attention quickly to cells." However, this citation fails to

suggest shifting attention; rather, the Tracers function is a mechanism for a user to audit the accuracy of the formula entered into a cell already under scrutiny of the user - that is, the user is gauging the veracity of the cell contents. The Tracer function in no way shifts attention. The Tracer function merely focuses attention and helps users determine interrelationships between cells.

Indeed, when considering the Examiner's next assertion - that Excel teaches *determining the location for a focus of attention* - it becomes more clear that Excel simply fails to teach a method of shifting attention. The Examiner asserts that Excel teaches selecting a cell to become active. Thus, to enable the Tracer function, one must already select a cell of interest. No attention is shifted.

Accordingly, even under its broadest interpretation, Excel does not anticipate a method of *shifting attention*. Under the same rationale, Excel fails to disclose *determining an attention shifting display element*, as presently recited in claim 1 and similarly recited in the other independent claims.

Moreover, as discussed in the Appeal Brief filed by Applicants on June 30, 2008, Excel fails to anticipate *determining a distance between the focus of attention and the display event*. Excel does not inherently indicate that a distance has been determined. Further, the graphic generating software used by Excel need only know the relative pixel coordinates between the two cells, not the distance. The arrow can then be drawn by many methods not requiring a calculation or determination of distance, for example determining the slope of the trace arrow and subsequently generating the trace arrow graphic starting at one cell and using the slope and horizontal range. In this example no distance is calculated.

In view of the above discussion in conjunction with the arguments presented in the April Brief, Applicants respectfully submit that Excel fails to anticipate and/or fails to render obvious claims 1, 3-5, 10, 12-18, 37, 39-42 and 45-47.

**II. Claim Rejection under 35 U.S.C. § 103(b)**

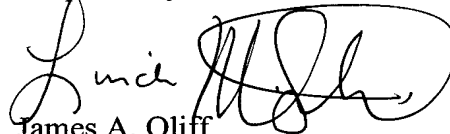
For the same reasons discussed above in section I, Excel fails to render obvious at least the following features: (i) a method for shifting attention; (ii) determining a distance between the focus of attention and the display event; and (iii) determining an attention shifting display element. Therefore claims 19 and 30 and their dependent claims are patentable over Excel for at least this reason.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Linda M. Saltiel  
Registration No. 51,122

JAO:DQS/jls

Date: October 10, 2008

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--